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Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

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Report of the Secretary-General

Addendum

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II. Replies received from Governments

Belarus

[Original: English]
[15 August 2000]

1. In the course of the fifty-fourth session of the General Assembly the Republic of Belarus, together with the overwhelming majority of other Member States, voted in favour of resolution 54/21 of 19 November 1999, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". The Republic of Belarus thereby reaffirmed its commitment to the respect for the fundamental principles of sovereign equality of States, non-interference in their internal affairs and freedom of international trade and navigation.

2. The Republic of Belarus has been consistently supporting the invalidation of laws and measures unilaterally promulgated and applied by Member States the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation.

3. Pursuant to the fundamental principles of international law, including the provisions of the Charter of the United Nations, the Republic of Belarus has never applied, applies and has no intention of ever applying either the laws or the measures referred to above.

4. The Republic of Belarus believes that international disputes must only be resolved through negotiations on the basis of respect for the principles of equality and mutual benefit.

5. The Republic of Belarus believes that substantial grounds have been laid down of late for a step-by-step settlement of the dispute between the United States of America and Cuba, and calls upon both parties to enhance their efforts in that direction.

China

[Original: English]
[18 August 2000]

1. Sovereign equality, non-interference in the internal affairs of other countries and other relevant norms governing international relations should be duly respected. Every country has the right to choose, according to its national circumstances, its own social system and mode of development which brooks no interference by any other country.

2. The differences and problems that exist among countries should be resolved through peaceful dialogue and negotiation on the basis of equality and mutual respect for sovereignty. The economic embargo imposed by the United States on Cuba, which has lasted for too long, serves no other purpose than to keep tensions high between two neighbouring countries and inflict tremendous hardship and suffering on the people of Cuba, especially women and children. The embargo, which remains unlifted, has seriously jeopardized the legitimate rights and interests of Cuba and other States as well as the freedom of trade and navigation and should, in accordance with the purposes and principles of the Charter of the United Nations and relevant resolutions of the United Nations, be put to an end.

Costa Rica

[Original: Spanish]
[2 August 2000]

In Costa Rican law there are no commercial, economic or financial regulations of the kind referred to in the preamble to General Assembly resolution 54/21.

Mauritius

[Original: English]
[17 August 2000]

1. The value of trade between Mauritius and Cuba for the last three years, as available from the Central Statistical Office, is as follows:

	1997	1998	1999
	(United States dollars)		
Imports (c.i.f.)	0	1 550	28 300
Exports (f.o.b.)	0	6	90

2. In spite of our free and open trade system, our trade with Cuba is very insignificant.

Sudan

[Original: English]
[21 August 2000]

1. The Government of the Sudan pursues a policy that respects and takes for its model the purposes and principles of the sovereign equality of States and non-interference in the internal affairs of others. Consistent with its principled stand, the Sudan, which opposes the imposition of sanctions on developing countries, voted in favour of General Assembly resolution 54/21, as did the majority of States. The Government of the Sudan reaffirms that it does not promulgate or apply any laws or measures that could, by being applied outside its own national borders affect the sovereignty of any State.

2. On the basis of the foregoing, the Sudan opposes the economic and commercial embargo imposed by the United States against Cuba, which has caused great damage to the Cuban people and violated its legitimate rights and interests, being a flagrant violation of international law and the Charter of the United Nations and showing disregard for their lofty and noble principles.

3. The Sudan itself is suffering from the unilateral economic sanctions imposed on it by the United States pursuant to the executive order signed by President Clinton in early November 1997. It was unfortunate that the United States, in order to exert pressure on the Government of the Sudan, imposed these sanctions on the basis of ungrounded suspicions and accusations that have remained unsubstantiated for more than eight years. The sanctions are in violation of the legitimate right of the Sudan to make social and development choices in the light of its particular national situation.

Zimbabwe

[Original: English]
[21 August 2000]

Concerning resolution 54/21, the Government of Zimbabwe has never applied, and does not apply, any embargo on Cuba.

III. Replies received from organs and agencies of the United Nations system

United Nations Conference on Trade and Development

[Original: English]
[17 August 2000]

Review of recent developments concerning the economic, commercial and financial embargo against Cuba

1. Many of the economic, commercial and social-related coercive measures that were imposed on Cuba by the United States some four decades ago are still in force. Significant change in the United States policy towards Cuba will require the reversal by Congress of its decision on the Cuban Liberty and Solidarity Act (commonly known as the Helms-Burton Act), which prohibits the lifting of the embargo until a change of government in Cuba. Be that as it may, there have been some new developments in recent years that signalled the emergence of a new trend in United States policy towards Cuba. Following are some of the important ones:

(a) On two occasions during 1998, the President suspended the application of Title III of the Helms-Burton Act, which allows United States citizens to take to court within the United States foreign individuals or companies that trafficked in expropriated properties in Cuba;

(b) The relaxation of the embargo on travel to Cuba by United States citizens. Since early 1999, there has been a steady increase in the number of fact-finding visits to Cuba by United States business persons, including farmers and representatives of organized groups such as the United States Wheat Associates, the American Soybean Association, the American Farm Bureau and executives of important

agribusiness companies. The relaxation of the travel embargo has increased the number of United States citizens legally travelling to Cuba by 10 per cent a year for each of the last five years. In line with this trend, there has been an increase in the frequency of direct-flight connections between various cities in the United States and Cuba as well as in the number of licences for private planes approved by the Commerce Department;

(c) With regard to proposals to ease the economic embargo against Cuba and other countries where partial or full-scale embargoes are imposed by the United States, during 1999 the Senate voted favourably on the so-called Ashcroft Amendment pertaining to domestic farm and aid legislation. However, the House of Representatives rejected the amendment. Nevertheless, in 1999, the United States Commerce Department authorized the shipment of US$ 450 million worth of food donations to be distributed in Cuba through family networks and religious relief organizations. In addition, the transfer to Cuba of cash remittances of up to $1 billion by Cubans residing in the United States was allowed;

(d) The most recent effort to lift the United States embargo on Cuba involved the introduction in the Senate in May 2000 of "The Cuba Trade Normalization Act of 2000" (S.2617) by three Senators. The proposal is aimed at removing the unilateral restraints on exports of food and medicine to a number of countries, including Cuba.

Recent developments in the deliberations in the World Trade Organization concerning trade-related measures having characteristics of economic coercion, particularly as related to Cuba

2. In December 1998, Cuba presented to the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPs Council) of the World Trade Organization (WTO), a request for information from the United States Government on the amendments that it had made to the Omnibus Consolidated and Emergency Supplemental Appropriations Act for fiscal year 1999, in particular Section 211, subparagraphs (a), (b), (c) and (d), as well as its compatibility and relevance to the TRIPs Agreement.

3. Cuba, in its view, has so far not received a satisfactory response to its request. According to Cuba, Section 211 is incompatible with United States obligations under the TRIPs Agreement, especially article 65 (transitional arrangements), article 3 (national treatment), article 2 (certain parts of intellectual property conventions) and article 62 (acquisition and maintenance of intellectual property rights and related inter-party procedures). In March 2000, the United States submitted to the TRIPs Council information on the relevant legislation and on some ongoing amendments to those laws and their relevant application. It also reiterated that article 63, paragraph 3, required members to supply, in response to a written request from another member, laws and regulations and final judicial decisions and administrative rulings of general application pertaining to the subject matter of the TRIPs Agreement. Cuba felt that this neither was sufficient information nor showed good-faith implementation of the obligations under the TRIPs Agreement. At the time of writing, it is expected that the matter will be considered at the forthcoming meetings of the TRIPS Council.

4. The origin of the case is the right to register in the United States a brand name for a rum originally owned by a Cuban family until it was expropriated in 1960, now involving a joint venture between a Cuban distiller (not the original family) and a major French spirits group. The European Union considers that the obligation for the Cuban distiller to obtain the agreement of the original owner before re-registering even when the owner had abandoned the trademark and it is now in the public domain, is discriminatory and violates several United States obligations under the TRIPs Agreement.

Decisions taken by the Group of 77 with regard to trade-related economic measures which have coercive characteristics

5. At the Group of 77 South Summit, held at Havana from 10 to 14 April 2000, the developing countries agreed to include a text on the elimination of these kinds of measures, both in the Declaration of the South Summit and in the Havana Programme of Action. Paragraph 48 of the Declaration reads as follows:

> "We firmly reject the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures, including unilateral sanctions against developing countries, and reiterate the urgent need to eliminate them immediately. We emphasize that

such actions not only undermine the principles enshrined in the Charter of the United Nations and international law, but also severely threaten the freedom of trade and investment. We therefore call on the international community neither to recognize these measures nor to apply them."

6. Paragraph 10 of Part V of the Havana Programme of Action reads:

"In the spirit of fostering North-South relations, we underline the necessity for developed countries to eliminate laws and regulations with adverse extraterritorial effects and other forms of unilateral economic coercive measures, inconsistent with the principles of international law, the Charter of the United Nations and the principles of the multilateral trading system."

And paragraph 11 reads:

"We also express our grave concern over the impact of economic sanctions on the civilian population and development capacity in targeted countries and therefore urge the international community to exhaust all peaceful methods before resorting to sanctions, which should only be considered as a last resort. If necessary these sanctions must be established only in strict conformity with the Charter of the United Nations with clear objectives, a clear time frame, provision for regular review, precise conditions for their lifting and never be used as a form of punishment or otherwise exact retribution."